

Art Unit: 2822

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 703-305-3743.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 703-308-4905. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

June 12, 2003


AMIR ZARABIAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



Creation date: 01-10-2004
Indexing Officer: KJOHNSON3 - KIMBERLY JOHNSON
Team: OIPEBackFileIndexing
Dossier: 10065837

Legal Date: 07-02-2003

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Total number of pages: 3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Gray *et al.*

Art Unit: 2822

Serial No.: 10/065,837

Dkt. #: BUR920010190 (IBMB-0018)

Filed: 11/25/2002

Examiner: Lewis, Monica

Title: HIGH PERFORMANCE VERTICAL
PNP TRANSISTOR AND METHOD

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

4# Election
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Shm

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement dated June 18, 2003.

Applicants hereby provisionally elect Group I, claims 1-11, with traverse.

REMARKS

Claims 1-20 are pending in the application. By this Response, claims 1-11 were elected for examination. Prompt examination on the merits is respectfully requested.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of Group I, claims 1-11 and Group II, claims 12-20 are sufficiently related that a thorough search for the subject matter of one would encompass a search for the subject matter of the other. In particular, the vertical PNP transistor claimed includes features based on the claimed method for forming the vertical PNP transistor such that a search for the PNP transistor

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claims 1-11 will include the subject matter of claims 12-20. "Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breath or scope of definition." MPEP § 806.03 (emphasis in original).

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I and II. Should the examiner require anything further from Applicants, the examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,


Spencer K. Warnick
Reg. No. 40,398

Date: 7/2/03

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

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Michael F. Hoffman
Spencer K. Warnick
Ronald A. D'Alessandro

FACSIMILE TRANSMISSION

FOR: PTO Group Art Unit 2822
FROM: Spencer K. Warnick - Reg. No. 40,398
DATE: 07/02/2003
NUMBER OF PAGES TO FOLLOW: - 2 -
DESTINATION FACSIMILE NUMBER: 703-872-9318

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NOTE: Serial No.: 10/065,837
Filing Date: 11/25/2002
Docket No.: BUR920010190
Examiner: Lewis, Monica
Our File: IBMB-0018

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Attached: Response to Restriction Requirement in 2 pgs.

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

WENDY E. THOMPSON

Type or print name of person signing certification

Wendy E. Thompson

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Dossier: 10065837

Legal Date: 10-06-2003

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